IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 23149 of 2006

For Approval and Signature:
HONOURABLE MS. JUSTICE R.M.DOSHIT

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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RAMILABEN R JAIN - Petitioner(s)
Versus
PRESIDING OFFICER & 1 - Respondent(s)

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Appearance :
MR GM JOSHI for Petitioner(s) : 1,
None for Respondent(s) : 1,
MR RAMNANDAN SINGH with MS ABHA B MAKWANA for Respondent(s) : 2,

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CORAM : HONOURABLE MS. JUSTICE R.M.DOSHIT

Date : 01/03/2007

ORAL JUDGMENT

Heard the learned advocates.

RULE returnable today. Mr.Singh waives service of rule. With the consent of the learned advocates, the petition is heard and disposed of today.

The petitioner, a Medical Doctor by profession has challenged the judgment and award dated 4th April, 2006 passed by the Labour Court, Ahmedabad in Reference (LCA) N.1808/2001.

By impugned award, the petitioner is directed to reinstate the respondent-workman in service and to pay him 75% of the back wages.

Mr.Joshi has submitted that the petitioner and her husband, both Medical Doctors, ran a hospital in which the workman was engaged as an Operation Theater Assistant. The workman was negligent in performing his duties, to be precise in cleaning the operation theater equipments. As he was admonished, he left the service of his own volition. His service was not terminated. Mr.Joshi has further submitted that since the date of the award the petitioner has reinstated the workman in service. The petitioner, however, challenges the award for payment of 75% of the back-wages to the workman.

Mr.Singh has contested the petition. He admits that the workman has been reinstated in service. As to the backwages, he has made a concession that the backwages may be reduced as the Court thinks fit.

In above view of the matter, with the consensus of the learned advocates, the impugned award made by the Court below is modified to the effect that the workman be paid a sum of Rs.20,000=00 against his claim for backwages. Rest of the award is confirmed.

The petition is allowed to the aforesaid extent. Rule is made absolute accordingly. The parties shall bear their own cost.

(Ms. R.M.Doshit, J.)

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